

## Exhibit D

### Sherry Spesock Deposition Transcript

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No.: 1:18-cv-1046

HUI MINN LEE, )  
 )  
Plaintiff, ) D E P O S I T I O N  
 )  
vs. )  
 ) \* C O P Y \*  
MARKET AMERICA, INC., )  
 )  
Defendant., )  
 )  
----- )

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SHERRY DENISE SPESOCK

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101 South Elm Street  
Greensboro, North Carolina

Tuesday, May 4, 2021  
10:05 o'clock a.m.

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Cassandra J. Stiles, CVR-M  
Certified Court Reporter



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Lee v. Market America

05/04/21

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Name	Offered By	Identified
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None offered



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STIPULATIONS

Pursuant to Notice and/or consent of the parties, the deposition hereon captioned was conducted at the time and location indicated before *Cassandra J. Stiles*, Notary Public in and for the County of Forsyth, State of North Carolina at Large.

The deposition was conducted for use in accordance with and pursuant to the applicable rules or by order of any court of competent jurisdiction.

Reading and signing of the testimony was not requested prior to the filing of same for use as permitted by applicable rule(s).



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Lee v. Market America

05/04/21

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1 The witness, SHERRY DENISE SPESOCK, being  
2 first duly sworn to state the truth, the whole truth  
3 and nothing but the truth, testified as follows:

4 (10:05 o'clock a.m.)

5 EXAMINATION

6 BY MS. GRAY:

7 Q. Good morning, Ms. Spesock.

8 A. Good morning.

9 Q. My name is Angela Gray, and I am an  
10 attorney representing Nadine Lee in a lawsuit that  
11 she's filed against Market America.

12 A. Uh-huh.

13 Q. And are you aware that you're here today  
14 to give deposition testimony with regard to that  
15 case?

16 A. Yes, ma'am.

17 Q. Okay. Great.

18 So let's just get your name for the  
19 record.

20 A. Sherry Spesock.

21 Q. Is that your full name?

22 A. Sherry Denise Spesock.

23 Q. Okay. Thank you.

24 A. Uh-huh.

25 Q. And can you just tell me what you did to



1 prepare for today's deposition, Ms. Spesock?

2 A. I spoke with Camilla yesterday.

3 Q. Did you review any documents?

4 A. A couple emails.

5 Q. Is that all?

6 A. Yes.

7 Q. Okay. Great.

8 Have you spoken to Liliana Camara?

9 A. I have not.

10 Q. Okay. You haven't talked to her about her  
11 deposition or anything?

12 A. No, ma'am.

13 Q. Okay. All right. Great.

14 So are you currently employed with Market  
15 America?

16 A. Yes.

17 Q. And what's your current position?

18 A. Director of HR.

19 Q. How long have you held that position?

20 A. Since November of 2015.

21 Q. All right, so throughout the time that  
22 Nadine, I guess, was terminated from Market America  
23 your position was director of HR. Correct?

24 A. That is correct.

25 Q. All right, and when did you start working





1 for Market America?

2 A. March of 2011.

3 Q. What was your position when you started?

4 A. Payroll specialist.

5 Q. And was it a promotion for you to go to  
6 director of HR?

7 A. Yes.

8 Q. When were you promoted to that position?

9 A. So I started as a payroll specialist, I  
10 went and progressed through there. And then I was  
11 promoted to director of HR, correct.

12 Q. When was the promotion?

13 A. November of 2015.

14 Q. Oh, I see. Okay. I'm sorry.

15 And who is your immediate supervisor now?

16 A. The president and COO, Marc Ashley.

17 Q. Okay. My understanding is that at some  
18 point you became Ms. Lee's supervisor. Is that  
19 right?

20 A. No.

21 Q. Did you ever work as Ms. Lee's supervisor?

22 A. I did not.

23 Q. Okay. Did Ms. Lee ever report to you in  
24 terms of her job performance?

25 A. No, ma'am.



1 Q. Did you ever review her job performance?

2 A. I did a review for her when I took over as  
3 director of HR. I did her review because of Ms.  
4 Camara not knowing the full year's past of her job  
5 duties.

6 So it was just a -- how do I say -- I  
7 can't think of the word. I'm sorry. Oh, my gosh.

8 MS. DEBOARD: An interim review?

9 THE WITNESS: Yes.

10 MS. BEBOARD: It's early morning.  
11 It's still before noon. We're good.

12 Q. (Ms. Gray) Okay, let me show you a  
13 document ---

14 A. --- Okay.

15 Q. --- Which might help you to be able to  
16 answer some of these questions or refresh your  
17 recollection.

18 And what I'm showing to you is a document  
19 that has already been submitted to us by Market  
20 America's counsel, and it is Bates stamp MA283 to  
21 MA284. And it is the employee performance review  
22 for Nadine Lee, and it's dated April 13th, 2017.

23 A. Okay.

24 Q. I'm going to show you that document.

25 A. Okay.



1 MS. GRAY: I'm not going to mark it.  
2 It's previously been marked as confidential in this  
3 case. And it's not my intention to mark it as an  
4 exhibit to this deposition. Okay, Camilla?

5 MS. DEBOARD: Okay.

6 Q. (Ms. Gray) And if you would, just take a  
7 minute to review that document. Because I'm going  
8 to ask you some questions about it. Okay?

9 A. Okay.

10 Q. And you just let me know when you're done.  
11 (Witness examined document)

12 A. Okay.

13 Q. Okay, so does this refresh your  
14 recollection about when you may have reviewed  
15 Nadine's job performance?

16 A. Yes.

17 Q. Okay, and the document that you're looking  
18 at that I previously identified, is that the one and  
19 only performance evaluation that you participated in  
20 with regard to Ms. Lee?

21 A. That is correct.

22 Q. Okay. Now, as you can see from this  
23 document, Nadine's job performance was evaluated on  
24 the scale from one to four. Correct?

25 A. Correct.



1 Q. In various ways as it pertains to what she  
2 did and how she interacted with her clients and her  
3 coworkers. Correct?

4 A. Uh-huh.

5 Q. Did you have any input on the numbers that  
6 were attributed to her job performance?

7 A. Yes.

8 Q. Okay. For example, under performance on  
9 the first page, the very first thing says, business  
10 knowledge. Do you see that?

11 A. Uh-huh.

12 Q. And then there was a number four. And  
13 that means that Nadine was considered to be  
14 exceptional in that area. Correct?

15 A. Correct.

16 Q. Was that four given to Nadine because you  
17 wanted it there, or because someone else wanted it  
18 there?

19 A. I put it there.

20 Q. Okay. Now, how did you make that  
21 determination if you had not evaluated Nadine's job  
22 performance?

23 A. It was based off of previous conversations  
24 with Ms. Trotter before she left.

25 Q. I see.



1 Were any of the numbers attributed to Ms.  
2 Lee on this performance evaluation provided to you  
3 by Liliana Camara?

4 A. No.

5 Q. Okay, so these numbers were all based on  
6 communications that you had with Ms. Trotter.  
7 Correct?

8 A. Correct. And that was prior to her  
9 leaving.

10 Q. I see.

11 My understanding is that Ms. Trotter left  
12 somewhere in November of 2016. Is that right?

13 A. Correct.

14 Q. And this evaluation covers the review of  
15 the year of 2016. Correct?

16 A. Correct.

17 Q. Now, I did not see and have not seen  
18 provided to me in any documentation a review for Ms.  
19 Lee for the year of 2017.

20 Do you know if such document exists?

21 A. Not that I'm aware of. It would have been  
22 done in April of 2018.

23 Q. I see. And by that time, Ms. Lee was no  
24 longer employed at Market America. Correct?

25 A. Correct.



1 Q. Okay. All right, now, if you roll down to  
2 the second bracket, I guess, if you will, of  
3 information, it says relationship consistencies.

4 Do you see that?

5 A. Uh-huh.

6 Q. And it looks like Ms. Lee was given a  
7 three for coworker interactions. Correct?

8 A. Correct.

9 Q. And that means she exceeded expectations  
10 with regard to her coworker relationships. Correct?

11 A. Correct.

12 Q. And that three was attributed to Ms. Lee  
13 by Ms. Trotter, based on Ms. Trotter's interactions  
14 and supervision of Ms. Lee during that year.  
15 Correct?

16 A. Correct.

17 Q. And as you sit here today, have you seen  
18 any of the previous reviews that Ms. Trotter may  
19 have given to Ms. Lee for her job performance?

20 A. I may have seen them at some point, but I  
21 do not recall them.

22 Q. Are you aware that Ms. Trotter gave Ms.  
23 Lee very high marks with regard to her job  
24 performance at Market America?

25 A. I am not aware.



1 Q. So when you prepared this evaluation in  
2 2017, in addition to talking to Ms. Trotter, did you  
3 look at any of the other reviews that Ms. Trotter  
4 had given Ms. Lee?

5 A. Not that I recall.

6 Q. And on the document we just talked about,  
7 the 2016 evaluation, that is your signature on the  
8 second page. Correct?

9 A. That is correct.

10 Q. As you sit here today, do you have any  
11 changes or any concerns about that document?

12 A. No.

13 Q. Any concerns about the accuracy of that  
14 document?

15 A. No.

16 Q. Now, I'm going to show you a document  
17 which has been marked by -- I'm sorry, which has  
18 been submitted to me by counsel for Market America,  
19 and it's Bates stamped MA286 through MA287.

20 And I'm just going to hand you a copy of  
21 it so you can review it.

22 MS. GRAY: That's my copy. I didn't  
23 make a copy.

24 MS. DEBOARD: That's fine. I've got  
25 it right here.



1 MS. GRAY: Okay. Good.

2 Q. (Ms. Gray) And, Ms. Spesock, would you  
3 just take a minute to review that?

4 A. Sure.

5 (Witness examined document)

6 A. Okay.

7 Q. Okay. Thank you.

8 Now, would you agree with me that this  
9 document represents the last full evaluation that  
10 Colbert Trotter performed for Ms. Lee while she was  
11 working at Market America?

12 A. Yes, that's correct.

13 Q. And that was for the year of 2015, and  
14 it's signed April of 2016. Correct?

15 A. Correct.

16 Q. And I don't see your signature on that.  
17 And that is because, as you previously indicated,  
18 Ms. Trotter was not there the full year of 2016, or  
19 at least at the time when the evaluation was done.

20 A. That is correct.

21 Q. And so this one, she was.

22 A. Yes.

23 Q. And therefore, you didn't have to sign off  
24 on it.

25 A. That is correct.





1 Q. Okay. Great.

2 And you would agree with me that Ms.

3 Trotter made a number of comments in the performance  
4 comments section on this evaluation.

5 A. Yes, ma'am.

6 Q. But on the last evaluation, which was the  
7 one done in 2017, there were no written comments.  
8 Do you know why?

9 A. Because I didn't feel like I could give a  
10 true evaluation for her in the interim.

11 Q. Okay, and, then, Ms. Trotter, I'm  
12 assuming, and you can correct me if I'm wrong,  
13 didn't provide you with any comments ---

14 A. --- Correct.

15 Q. --- To put on that evaluation.

16 A. Correct.

17 Q. Right. And that's the 20 -- the one  
18 that's dated 2017?

19 A. Yes, ma'am.

20 Q. All right. Do you have any reason to  
21 believe that any of the performance comments on the  
22 document MA286 through 287 are inaccurate?

23 A. I cannot speak for her evaluation for  
24 2015.

25 Q. And in your opinion, you believe this is a



1 true and accurate document. Correct?

2 A. I would have -- yes.

3 Q. Okay, and based on some of the performance  
4 comments that I've read, it sounds like Ms. Trotter  
5 thought that Nadine was doing an exceptional job for  
6 Market America in her capacity as the senior global  
7 trainer. Correct?

8 A. The way it's written, that is correct.

9 Q. Okay. Great.

10 So I take it that you never physically  
11 observed -- you never physically observed Ms. Lee  
12 perform her job at Market America. Is that right?

13 A. The only time that I had any observation  
14 was when we went to California together back in  
15 2016.

16 Q. How long were you there?

17 A. We flew in on Monday. We were in the  
18 office Tuesday, Wednesday, Thursday, and flew back  
19 on Friday.

20 Q. And what did you observe?

21 A. Ms. Lee would do the training that she was  
22 required to do for the team, and then just sit and  
23 wait for me to finish working.

24 Q. So that was the one and only time that you  
25 were actually in her presence while she was



1 performing her job?

2 A. Correct.

3 Q. So as you sit here today, you have -- or  
4 maybe you do. I don't know. Do you have an opinion  
5 about how Ms. Lee performed her job based on your  
6 firsthand knowledge?

7 A. Just from what I observed, just -- she was  
8 just quick to leave, not willing to do any  
9 additional work.

10 Q. And you're talking about from the incident  
11 in September of 2016. Correct?

12 A. In June.

13 Q. I'm sorry. June of 2016.

14 A. That is correct. That is the only time  
15 I've ever observed her.

16 Q. Okey-dokey. What I want to show you is --  
17 or what I want to ask you about, rather, is a  
18 document that was presented to me by counsel for  
19 Market America. It's called the defendant's initial  
20 disclosures.

21 And what they have indicated to me is that  
22 you have knowledge of the plaintiff's work  
23 performance. And I  
24 believe I've asked you about that already.

25 And so we're clear and the record is



1 clear, the only knowledge that you have -- and I'm  
2 talking about personal, firsthand knowledge of the  
3 work performance is the June 2016 incident.

4 Correct?

5 A. That is correct.

6 Q. Do you have any knowledge, based on your  
7 personal, firsthand information of what Ms. Lee's  
8 job duties were?

9 A. No.

10 Q. Do you have any knowledge of what her day-  
11 to-day activities were?

12 A. No.

13 Q. Do you have any knowledge of her  
14 interaction with other employees?

15 A. No.

16 Q. It also says on the defendant's initial  
17 disclosures, Spesock has knowledge of the trainings  
18 performed by the plaintiff, meaning Ms. Lee.

19 And is that the one training that you  
20 talked about in June of 2016?

21 A. Yes, that is correct. That and MPCP.

22 Q. Okay. It says that you also have  
23 knowledge of any discipline of the plaintiff. Is  
24 that correct?

25 A. Only if it's been brought to my attention,



1 that is correct.

2 Q. What discipline do you know about with  
3 regard to ---

4 A. --- I don't have any. It would have only  
5 -- I would only have knowledge of it if it was  
6 brought to my  
7 attention.

8 Q. So are you saying that none was brought to  
9 your attention?

10 A. Not -- no. None was brought to my  
11 attention.

12 Q. Okay. It says that you have knowledge of  
13 Ms. Lee's work reviews and evaluations.

14 Is that the evaluation we talked about  
15 that you performed in 2017?

16 A. I have the one -- or I was the one that  
17 did the -- for 2017. But I had access to the prior  
18 reviews.

19 Q. Okay. It says Spesock also has knowledge  
20 regarding the termination of the plaintiff. Is that  
21 true?

22 A. Yes.

23 Q. Okay. Can you tell me what knowledge you  
24 have of Ms. Lee's termination?

25 A. We started evaluating in 2017 her overall,



1 based on the evaluation from Ms. Camara of her job  
2 performance. And we decided that the position that  
3 she was holding was not something that we needed for  
4 the department. We needed more of a training  
5 person, a training specialist who would do multiple  
6 trainings for the department.

7 And so the decision was made to start  
8 having someone else train the trainer to take that  
9 position.

10 Q. The decision was made to have someone  
11 train the trainer?

12 A. Uh-huh.

13 Q. What does that mean?

14 A. To -- we had identified somebody to take  
15 that position as a training specialist. So we were  
16 training her for her to show that she could do the  
17 job. Meaning that she was training the trainer that  
18 was teaching her the role.

19 Q. Okay. Let's put names on the pronouns.  
20 Okay?

21 A. Okay.

22 Q. When you say we, you're talking about  
23 whom?

24 A. So Liliana Camara was the manager who was  
25 training, or assisting in training Rose Chaffin, who



1 was the individual that we were wanting to have take  
2 that position as a training specialist.

3 Q. Did you have a training specialist  
4 position open at the time?

5 A. No.

6 Q. So why were you training someone for a  
7 position that wasn't open?

8 A. It was going to replace Ms. Lee.

9 Q. Okay, so at some point there was a  
10 decision made that Ms. Lee would be replaced?

11 A. That is correct.

12 Q. Because of what?

13 A. Not being a team player and not doing the  
14 trainings that were asked, or giving pushback for  
15 the trainings that were asked.

16 Q. Okay. When did you learn that Ms. Lee was  
17 not being a team player?

18 A. It was through one-on-ones that I had with  
19 Ms. Camara.

20 Q. And so Ms. Camara reported to you that Ms.  
21 Lee was not being a team player.

22 Do you recall when she first told you  
23 this?

24 A. I do not recall.

25 Q. Was it in 2016 or 2017?



1 A. It would have been in 2017.

2 Q. And would it have occurred after the  
3 evaluation was given to Ms. Lee in April of 2017?

4 A. I do not recall.

5 Q. Okay, so you recall that at some point in  
6 2017, assuming Rose had already been hired by Market  
7 America at that point. Correct?

8 A. Correct. Rose was hired and was going  
9 through training. And Ms. Lee was asked to do the  
10 Mandarin training. Ms. Chaffin actually did both  
11 trainings to make sure that she was understanding  
12 the material that was being presented.

13 Q. Do you know what position Rose applied for  
14 at Market America when she first started working  
15 there?

16 A. From what I recall, it was an account  
17 services rep.

18 Q. According to the information I have, she  
19 was applying for a position as an unfranchise  
20 services representative.

21 A. Yes. It's the same thing, it's just a  
22 different -- we call them account services reps now.

23 Q. Okay, and it looks like the date of her  
24 application was December 27, 2016. Does that sound  
25 right to you?





1 A. Say that one more time.

2 Q. Her date of application was December 27th,  
3 2016.

4 A. That sounds correct.

5 Q. And on her application she indicated that  
6 she would not be available for work until January of  
7 2017. Correct?

8 A. Correct.

9 Q. Okay, so why is it that Ms. Chaffin  
10 applied for an account representative position, but  
11 as early as a few months into her tenure in that  
12 position, a decision was made that she was going to  
13 be trained to become a training specialist?

14 A. We -- it was found that she was able and  
15 capable of doing the job based on her previous  
16 experience as a teacher.

17 Q. Did you review her application?

18 A. I did not.

19 Q. Did you hire her?

20 A. I did not.

21 Q. So what did you know about her teaching,  
22 her previous teaching, if you didn't review her  
23 application and you didn't hire her?

24 A. It was a decision made by the current  
25 customer service manager and Ms. Camara.



1 Q. Who was the customer service manager?

2 A. Brandi Foster.

3 Q. Okay, so looking at Ms. Chaffin's job  
4 application, she indicated that she was a Chinese  
5 teacher, teaching Chinese for students from K  
6 through eleventh grade for part-time of a school  
7 year from 2014 to 2016 in Kernersville, North  
8 Carolina.

9 Are you aware of that?

10 A. I don't recall seeing that.

11 Q. It looks like from her job application,  
12 that she had exactly 23 months of teaching  
13 experience prior to coming to Market America.

14 Are you aware of that?

15 A. Like I said, I didn't see that.

16 Q. And in fact, on her application, she  
17 indicated that she had worked as a cashier, a  
18 waitress, a retail sales associate, a retail store  
19 manager and a restaurant manager. And she didn't  
20 say anything about teaching skills on her  
21 application.

22 Are you aware of that?

23 A. Again, I did not see the application.

24 Q. Okay. In spite of that, Ms. Chaffin was  
25 identified by Liliana Camara and Brandi Foster as



1 someone who Market America wanted to train to become  
2 a training specialist. Correct?

3 A. Correct.

4 Q. And in her role as a training specialist,  
5 what was she going to do?

6 A. She would be handling the MPCP, the new  
7 account services rep trainings and any other  
8 trainings that were asked to perform.

9 Q. And was that something that was already on  
10 Ms. Lee's job description?

11 A. It's my understanding, yes, that she was  
12 going to be taking over that position.

13 Q. And did you ever articulate to Ms. Lee  
14 that this was the plan?

15 A. No.

16 Q. Do you know if anyone ever articulated  
17 this to Ms. Lee as that being the plan?

18 A. I do not know.

19 Q. And your understanding of why this was  
20 going to happen was solely based on what was told to  
21 you by Liliana Camara and/or Brandi Foster?

22 A. The observations of Ms. Camara.

23 Q. Brandi Foster didn't have any input with  
24 you about it?

25 A. About Ms. Chaffin or about Ms. Lee?



1 Q. About Ms. Lee.

2 A. It was more Liliana Camara.

3 Q. Okay. At some point did you ever post a  
4 position for a training specialist?

5 A. We did not.

6 Q. And to your knowledge, was Ms. Lee ever  
7 reprimanded for poor job performance during this  
8 period of time?

9 A. I do not recall.

10 Q. Did you ever reprimand her?

11 A. I did not.

12 Q. Do you know if Brandi Foster ever  
13 reprimanded her?

14 A. She did not report to Ms. Foster, so I  
15 would not imagine that Ms. Foster ever reprimanded.

16 Q. All right, so was the plan, then, that  
17 Rose would take over the training specialist  
18 position, but then who would take -- well, let me  
19 rephrase that.

20 Rose would take over the training  
21 specialist aspect of Ms. Lee's position. Correct?

22 A. Correct.

23 Q. But, then, was the thought that Ms. Lee  
24 would then be terminated?

25 A. Correct.



1 Q. And the reason being that Ms. Lee was not  
2 a team player. Correct?

3 A. She was not a team player and not willing  
4 to do the trainings that were asked by Ms. Camara.

5 Q. Okay. All right, so was there any other  
6 reason that you were aware of for why Ms. Lee would  
7 be terminated?

8 A. Not that I recall.

9 Q. Did you specifically hire Ms. Chaffin?

10 A. I did not.

11 Q. Who hired Ms. Chaffin?

12 A. Ms. Foster. Actually -- I'm sorry. I  
13 take that back. It was -- I believe that we were in  
14 -- we were in -- my apologies.

15 You know, we were in between managers for  
16 account services. And so I believe it would have  
17 been either the account services manager at the  
18 time. I don't recall if that was who truly hired  
19 her.

20 Q. And that was at the initial hiring?

21 A. Correct.

22 Q. Okay. Then who hired Ms. Chaffin for the  
23 training specialist position?

24 A. We would have promoted her from within.

25 Q. I see.



1 A. And it would have been done by the  
2 training department. So it would have been her  
3 reporting to Ms. Camara.

4 Q. Okay. At the time of Ms. Lee's  
5 termination, her title was global training projects  
6 manager. Is that correct?

7 A. Correct.

8 Q. Was anyone ever hired to that position  
9 after Ms. Lee was terminated?

10 A. No, ma'am.

11 Q. Okay. It says that you have knowledge of  
12 the hiring of the individuals in the training  
13 department, including plaintiff's replacement.

14 You're only talking about your knowledge  
15 of Rose Chaffin. Correct?

16 A. Correct.

17 Q. Because there was no one who was placed in  
18 the position of the global training projects  
19 manager. Correct?

20 A. That is correct.

21 Q. No one was hired for that position?

22 A. That is correct.

23 Q. Okay, so was the global training projects  
24 manager position eliminated?

25 A. Correct.



1 Q. Okay. I'm showing you now what has been  
2 marked, or what has been provided to me by counsel  
3 for Market America, it's Bates stamp marked MA017,  
4 and it goes consecutively through page 022. And it  
5 is the position statement that Market America filed  
6 in response to Ms. Lee's EEOC charge.

7 A. Okay.

8 Q. If you would just take a minute to review  
9 that document.

10 (Witness examined document)

11 A. Okay.

12 Q. Okay. Great. Thank you.

13 So let's just confirm that you  
14 participated in preparing the position statement.

15 A. Correct.

16 Q. And who is the individual who also  
17 assisted in preparing the position statement?

18 A. Beth Camarick.

19 Q. And who is she?

20 A. She was one of our attorneys.

21 Q. Is she still an attorney for Market  
22 America?

23 A. She is not.

24 Q. Okay, so now, that document was prepared  
25 in response to an EEOC charge of discrimination that



1 Ms. Lee had filed against Market America. Correct?

2 A. Correct.

3 Q. And I'm going to start off at the very  
4 beginning where it says Ms. Lee was terminated from  
5 her position as a corporate trainer by Market  
6 America on October 15th, 2017.

7 Do you see that?

8 A. I do.

9 Q. I don't see anything on that statement  
10 about the position being eliminated.

11 Is there any reason why you didn't include  
12 that on that first line?

13 A. I don't recall. I don't recall why we  
14 didn't add that.

15 Q. Okay, so Ms. Lee also was not a corporate  
16 trainer at that time. She was the global training  
17 projects manager. Correct?

18 A. Correct.

19 Q. And that was a management position.  
20 Correct?

21 A. It was not. She did not have direct  
22 reports.

23 Q. I see. Okay.

24 A. It was a manager of a process.

25 Q. I see. Okay.





1 Was there a distinction in your mind  
2 between the corporate trainer and the global project  
3 -- global training projects manager position?

4 A. Can you repeat that?

5 Q. In your mind, was there a distinction  
6 between a corporate trainer and the global training  
7 projects manager position?

8 A. Sorry. For some reason I cannot wrap my  
9 brain around what you're trying to ask.

10 Q. As it pertains to the terminology that you  
11 used in this response, this position statement, you  
12 said she was terminated from her position as  
13 corporate trainer. You didn't use her job title.

14 And my question is, in your mind, is there  
15 a distinction between those two positions?

16 A. No.

17 Q. Okay. Then in the last paragraph it says  
18 the fact that Ms. Lee was replaced as a corporate  
19 trainer by Rose, a 54-year-old Chinese female,  
20 demonstrates conclusively the lack of merit to Ms.  
21 Lee's charges against Market America.

22 You see that?

23 A. I do.

24 Q. Now, you agree that that's incorrect,  
25 because you said Ms. Chaffin did not replace Ms. Lee



1 in her position. Correct?

2 A. She was -- her duties replaced Ms. Lee.

3 Q. Only her training specialist duties.

4 Correct?

5 A. Correct.

6 Q. And I believe you said that no one was put  
7 in the position that Ms. Lee formerly held.

8 Correct?

9 A. That is correct.

10 Q. All right. Now, let's skip over to the  
11 page that is identified at 019.

12 Do you see the paragraph where we're  
13 talking about Ms. Lee possesses a degree in  
14 chemistry and had no managerial experience prior to  
15 or during her tenure at Market America?

16 A. Yes.

17 Q. What did that have to do with the fact  
18 that Ms. Lee's position was eliminated?

19 A. It is my understanding that it was due to  
20 her not being hired as a manager of a department.  
21 But I do not recall specifically.

22 Q. You mean to Ms. Lee not being hired as the  
23 manager of the department?

24 A. Correct.

25 Q. Oh, I see.



1 Are you -- is it your understanding that  
2 Ms. Lee was making such an accusation?

3 A. That she was applying to be at some point  
4 the manager of the department.

5 Q. Okay. In the last paragraph, the last  
6 sentence of that paragraph, it says Sherry Spesock  
7 served as director of human resources from November  
8 2015, and was Ms. Lee's upline supervisor and  
9 department head.

10 Do you see that?

11 A. Uh-huh.

12 Q. What does it mean that she was your -- you  
13 were her upline supervisor?

14 A. It means that the training department  
15 reported to me. And so I was the head of -- over  
16 all that entire department, training, HR.

17 Q. Now, earlier this morning in the  
18 deposition you told me that you were never Ms. Lee's  
19 supervisor.

20 A. Never her direct supervisor.

21 Q. Now, on the next page that starts off with  
22 performance issues with Ms. Lee, would it be fair to  
23 say that everything you know about the performance  
24 issues with Ms. Lee stemmed from communications that  
25 you had with Ms. Camara?



1 A. That is correct.

2 Q. For example, the second paragraph that  
3 starts off with almost immediately, Ms. Lee  
4 complained that she did not want to perform training  
5 anymore.

6 Do you see that?

7 A. Yes.

8 Q. You would agree that all of that  
9 information, including that and the information  
10 contained in that paragraph and the next paragraphs,  
11 all relate to information that Ms. Camara  
12 communicated to you?

13 MS. DEBOARD: Objection to form. You  
14 can answer.

15 THE WITNESS: Say that again.

16 MS. DEBOARD: I'm just objecting to  
17 the form of the question. But you can answer it.

18 THE WITNESS: Okay. Yes, it was from  
19 Ms. Camara.

20 Q. (Ms. Gray) Then if you go to the next  
21 page, which I think is marked as 21, it says --  
22 starting with the paragraph that says, meanwhile,  
23 the decision was made to streamline the company's  
24 training program.

25 Do you see that?



1 A. I do.

2 Q. Is that what you talked about with regard  
3 to Brandi Foster and Ms. Camara's input?

4 A. No. This is talking about the vision that  
5 Ms. Camara had for the training program and the  
6 department.

7 Q. Okay, so it was solely based on what Ms.  
8 Camara had communicated to you?

9 A. Correct.

10 Q. Is there anything that is written on this  
11 position statement that came from your firsthand  
12 knowledge as it pertains to Ms. Lee?

13 A. No.

14 Q. On the last paragraph, which is on page  
15 21, it says taken together, Ms. Lee's supervisors  
16 concluded that she was not performing up to  
17 standard, was not aligned with departmental goals  
18 and was not a team player. Ms. Lee was terminated  
19 on October 5th, 2017.

20 Do you see that?

21 A. I do.

22 Q. The supervisors that you're referring to  
23 there are Ms. Camara and who else?

24 A. I do not know.

25 Q. Okay, and then it says Ms. Lee was



1 terminated on October 5th, 2017.

2 Why didn't you say Ms. Lee's position was  
3 eliminated?

4 A. I do not recall.

5 Q. Do you think there is a distinction  
6 between Ms. Lee's position being eliminated versus  
7 Ms. Lee being terminated for job performance, or  
8 poor job performance?

9 A. Can you repeat that? I apologize.

10 Q. Do you believe that there is a distinction  
11 between Ms. Lee being terminated for poor job  
12 performance and Ms. Lee being terminated because her  
13 position was eliminated?

14 A. No.

15 Q. You think it's the same thing?

16 A. The title was eliminated. But she was  
17 terminated for performance based off of Ms. Camara.

18 Q. So you think the accurate description of  
19 Ms. Lee's separation of employment is that she was  
20 terminated for poor job performance?

21 A. Yes.

22 Q. Now, in the course of this lawsuit, there  
23 have been various documents exchanged between myself  
24 and counsel for Market America. And one of the  
25 questions asked of Market America is to provide us



1 with every reason that they were aware of for why  
2 Ms. Lee's position was separated from Market  
3 America.

4 And according to the documents that I  
5 have, the reasons given for Ms. Lee's termination --  
6 and I guess I should tell you how the question was  
7 worded. Okay?

8 I said please describe and state with  
9 specificity each and every reason for the  
10 plaintiff's separation of employment. Okay? I  
11 didn't use the word termination.

12 A. Okay.

13 Q. I just said separation.

14 And it says plaintiff was separated from  
15 her job for her repeated failure to work with her  
16 direct supervisor, perform tasks assigned to her,  
17 work with new software, adapt and change her work,  
18 failure to properly complete her training sessions  
19 as requested and failure to be a team player.

20 Does that sound accurate to you?

21 A. Yes.

22 MS. DEBOARD: Counsel, what  
23 interrogatory response was that?

24 MS. GRAY: That's interrogatory  
25 number 12.



1 Q. (Ms. Gray) Now, as you sit here today, do  
2 you believe that that is accurate?

3 A. Yes.

4 Q. And have you told me in the questions that  
5 I've asked you what you know about her repeated  
6 failure to work with her direct supervisor?

7 A. Based off of the conversations that I've  
8 had with her. Correct.

9 Q. Okay, and have you told me everything that  
10 you're aware of regarding Ms. Lee's failure to  
11 perform a task assigned to her?

12 A. Yes. Not doing the trainings, rushing  
13 through the trainings. The account services  
14 training that was typically six weeks, she rushed  
15 through, ended it in four. And she didn't want to  
16 learn the new programs that we were trying to put in  
17 place.

18 Q. And is that related to where it says her  
19 failure to work with new software?

20 A. Correct.

21 Q. And adapt and change her work. Have you  
22 told me everything you know about that?

23 A. Yes.

24 Q. Ms. Lee's failure to properly complete her  
25 training sessions as requested.





1 Have you told me everything about that  
2 that you know of, and her failure to be a team  
3 player?

4 A. Yes.

5 Q. Okay, so your position is that Ms. Lee was  
6 terminated for these reasons, as well?

7 A. Correct.

8 Q. Okay, and I believe you said that the  
9 reason for -- that the person who terminated Ms. Lee  
10 was Liliana Camara. Correct?

11 A. Correct.

12 Q. Okay. Now, did you ever receive any  
13 emails from any employees complaining about Ms.  
14 Lee's job performance?

15 A. I did not.

16 Q. Did you receive any emails from any  
17 customers or clients, individuals whom Ms. Lee may  
18 have trained, complaining about her job performance?

19 A. I did not.

20 Q. Do you know if Ms. Camara received such  
21 items?

22 A. I do not recall.

23 Q. Did Ms. Lee ever make a statement to you  
24 that Ms. Camara had said that she felt that there  
25 were cultural differences between Ms. Lee and



1       herself that impacted their ability to work  
2       together?

3           A.    She had mentioned it originally, yes, when  
4       she was going to be reporting to her.

5           Q.    Tell me what you remember about that  
6       conversation.

7           A.    Ms. Lee had come to me, stating that she  
8       didn't feel comfortable reporting to Ms. Camara  
9       because of -- I don't recall what was said.  
10       Something that was said when they first started  
11       working together.

12                  And I told her that I would have a  
13       conversation with Ms. Camara. But as the manager of  
14       the department, she would be reporting to Ms.  
15       Camara.

16           Q.    And is that the only time that you recall  
17       that type of conversation coming up between you and  
18       Ms. Lee?

19           A.    I don't recall if there were any others.  
20       There might have been, but I don't recall.

21           Q.    Okay, and then you did speak to Ms. Camara  
22       about Ms. Lee's communications with you. Is that  
23       right?

24           A.    Yes, ma'am.

25           Q.    And tell me what happened during that



1 conversation.

2 A. That conversation between Ms. Camara and I  
3 was, you know, to, you know, be a professional and,  
4 you know, manage everybody the same, and not treat  
5 her any different, which she wouldn't either --  
6 anyways.

7 And just, you know, to be the best manager  
8 that she could be of the department.

9 Q. Did you have a recollection of when that  
10 conversation may have happened between you and Ms.  
11 Camara?

12 A. It was shortly after Ms. Lee and I had  
13 met. I don't remember when it was though.

14 Q. And you don't remember when you and Ms.  
15 Lee met or ---

16 A. --- I do not.

17 Q. My understanding is that Ms. Camara  
18 supervised an individual by the name of Delia  
19 Zapata.

20 A. Yes, ma'am.

21 Q. And my understanding is that Ms. Zapata --  
22 and I hope I'm saying her name correct -- was hired  
23 as a training specialist. Is that correct?

24 A. She was promoted within. She was also --  
25 if memory serves correctly, she was also an account



1 services rep to begin. And then she was promoted  
2 into the department.

3 Q. Okay, and who was she promoted into the  
4 department by?

5 A. At that time it would have been Ms.  
6 Trotter.

7 Q. Okay, and then she would have worked under  
8 Liliana Camara. Correct?

9 A. Correct.

10 Q. Okay, and she was a Hispanic individual?

11 A. Correct.

12 Q. Does she still work for Market America?

13 A. She does.

14 Q. And what is her title now?

15 A. She's still a training specialist.

16 Q. Was Ms. Camara involved in her hire in any  
17 way?

18 A. Not that I'm aware of.

19 Q. Okay. Do you know an individual by the  
20 name of Henri Hue?

21 A. Yes.

22 Q. And was he hired by Ms. Camara?

23 A. Oh, gosh. He would also have been  
24 promoted into the department. I believe that was  
25 done by Ms. Trotter.



1 I'm trying to remember. I'm sorry. I'm  
2 trying to get my timeline correct to my brain.

3 Ms. Zapata might have been hired by  
4 Liliana -- Ms. Camara. Henri was hired prior -- or  
5 promoted prior to Ms. Zapata.

6 I apologize. I cannot recall exactly when  
7 that happened.

8 Q. Okay. What is Ms. Zapata's race?

9 A. She's Hispanic.

10 Q. And what about Mr. Hue?

11 A. I don't know what nationality he is, but  
12 he's Black.

13 Q. Okay, and then what about, are you  
14 familiar with Cherri Walston?

15 A. She was Black.

16 Q. And was she hired by Ms. Camara?

17 A. Not that I am aware of. She was there  
18 prior to Ms. Camara.

19 Q. Okay, so based on what you're telling me,  
20 it doesn't sound like Ms. Camara hired any of these  
21 individuals. Is that right?

22 A. Like I said, I can't remember exactly my  
23 timeline. It is possible that Ms. Zapata was  
24 promoted by Ms. Camara, but I cannot recall if  
25 that's accurate.



1 But Ms. -- I'm trying -- no. Never mind.  
2 I'm sorry. I can't remember if Ms. Trotter was  
3 still there or not.

4 Q. All right. I believe that I have some  
5 documentation that you can refer to that may assist  
6 you in answering these questions regarding who was  
7 working for whom and when the time frame was.

8 But I'll come back to you with those  
9 questions just to confirm.

10 A. Okay.

11 Q. All right. Let me show you what has  
12 previously been marked as Bates stamp Market America  
13 355 consecutively through 358. And this is  
14 documentation that was submitted to the North  
15 Carolina Department of Commerce.

16 Let me have you take a minute to review  
17 that document.

18 (Witness examined document)

19 A. Okay.

20 Q. Okay. Now, prior to today, have you seen  
21 that?

22 A. Yes, I saw it in her employment file.

23 Q. And would you agree that that is the  
24 documentation that was submitted to the North  
25 Carolina Department of Commerce, which is the



1 unemployment division. It's the division of  
2 employment security, which handles unemployment  
3 benefits for individuals.

4 A. Correct.

5 Q. Would you agree with me that that is what  
6 you're looking at?

7 A. Yes.

8 Q. Okay, and it looks like to me, this is  
9 documentation that Market America submitted in  
10 response to Ms. Lee's request for unemployment  
11 benefits.

12 Would you agree with that?

13 A. Yes, ma'am.

14 Q. All right. According to this document, if  
15 you look in box number eight, which would be on  
16 Bates stamp 357.

17 Do you see that?

18 A. I do.

19 Q. Number eight, it says reason why claimant  
20 is no longer working. And then there's a check  
21 beside other, and it says complete item 17.

22 Do you see that?

23 A. Uh-huh.

24 Q. And then when you go down to item 17,  
25 which is on the next page, it says position



1 eliminated.

2 Do you see that?

3 A. I do.

4 Q. If Ms. Lee was terminated for the reasons  
5 that are set forth in these discovery responses, and  
6 you've agreed that they are accurate and correct,  
7 why was the North Carolina Department of Commerce  
8 told that Ms. Lee was separated due to a position  
9 elimination?

10 A. I believe it was miscommunication.

11 Q. Between whom?

12 A. What was documented on the file. And  
13 there's a reason that's put on the employment file,  
14 on the front. And I believe that that was  
15 incorrectly documented.

16 Q. And who do you think incorrectly  
17 documented it?

18 A. I do not recall.

19 Q. When you say you believe that there was  
20 documentation miscommunication, you believe that  
21 there was something on Ms. Lee's employee file at  
22 Market America that was inaccurate, which led to  
23 this inaccurate information to the department of  
24 commerce?

25 A. Correct.





1 I believe that on the front of the  
2 employment file where it asks for the reason behind  
3 why they're no longer with the company, it said  
4 position eliminated.

5 I believe it also said work performance,  
6 but I do not recall.

7 Q. Was there ever an attempt that you are  
8 aware of to correct that information that was  
9 provided to the North Carolina Department of  
10 Commerce?

11 A. That, I am not aware of.

12 MS. GRAY: Camilla, can you show her  
13 Bates stamp 279?

14 I can show it to her on mine if you ---

15 MS. DEBOARD: --- I got it here.

16 MS. GRAY: You do?

17 MS. DEBOARD: 279?

18 MS. GRAY: Yes.

19 The very top of the page says confidential  
20 employee record.

21 Do you see where I am?

22 Q. (Ms. Gray) Ms. Spesock, is that the file  
23 cover that you're talking about?

24 MS. DEBOARD: I'm just showing her  
25 the whole....



1 MS. GRAY: Uh-huh. Okay.

2 THE WITNESS: Got you. Yes.

3 Q. (Ms. Gray) Okay, and if you scroll down  
4 to the very bottom of that page, it says separation  
5 record, discharge, 10/5/17, reason,  
6 performance/conduct.

7 Do you see that?

8 A. I do.

9 Q. So you would agree that that is what Ms.  
10 Lee's file said at Market America. Correct?

11 A. I would say yes. But I'm not -- I don't  
12 know if there was anything else on there prior.

13 Q. Well, this is a document that's been  
14 produced to me by your counsel, or by counsel for  
15 Market America.

16 A. No. I understand what you're saying.  
17 Yes.

18 Q. Are you aware of any other documentation?

19 A. No. That's the employment file.

20 Q. That is her employment file. Correct?

21 A. Uh-huh.

22 Q. And so based on the documentation that is  
23 with the department of commerce, your position is  
24 that that -- what can I rely on here?

25 Because there have been instances where



1 you have indicated Ms. Lee was terminated. And then  
2 there was an indication to the department of  
3 commerce that her position was eliminated.

4 What can we relay on here in terms of what  
5 is accurate and what is true?

6 A. The role itself was eliminated. She was  
7 terminated based on her performance.

8 Q. Do you understand that if the employer  
9 informs the department of commerce that an  
10 employee's position has been eliminated, that that  
11 implies there is no wrongful conduct on behalf of  
12 that employee that would disqualify that employee  
13 from receiving unemployment benefits?

14 A. Yes, I'm aware of that.

15 Q. Based on the representations that were  
16 made by Market America, are you aware that -- to the  
17 department of commerce -- that Ms. Lee was able to  
18 get unemployment benefits?

19 A. I'm sorry. Can you repeat that?

20 Q. Based on the information that was provided  
21 to the department of commerce by Market America, are  
22 you aware that Ms. Lee was able to get unemployment  
23 benefits?

24 A. Yes.

25 Q. Do you think that Market America is in any



1 way entitled to receive recoupment for those  
2 benefits if she received them ---

3 MS. DEBOARD: --- Objection.

4 Q. --- Based on a mistake that Market America  
5 says they made?

6 MS. DEBOARD: And just objection to  
7 form.

8 And this is just a personal deposition,  
9 not a 30(b)(6). You can answer.

10 Q. (Ms. Gray) I'm asking you in your  
11 capacity as the HR manager -- or director. I'm  
12 sorry.

13 A. Do I think that Market America needs to  
14 recoup?

15 Q. Yeah. Would Market America be entitled to  
16 recoup any employment benefits that Ms. Lee received  
17 based on the information that Market America  
18 provided to the department of commerce?

19 MS. DEBOARD: And I'll just object  
20 again for the record. Because it's just a personal  
21 deposition, it's not a 30(b)(6).

22 But you can answer.

23 THE WITNESS: No, I don't think that  
24 Market America would need to recoup the funds.

25 MS. GRAY: Okay. If we can take a



1 minute. This is a good time to stop.

2 I know I still have more, but not much.

3 MS. DEBOARD: Okay. Let's take a  
4 quick -- are you okay.

5 We can go off the record.

6 (11:14-11:31 a.m. - recess)

7 Q. (Ms. Gray) Did you have a conversation  
8 with Ms. Lee about her desire to move to another  
9 position within the company rather than -- or after  
10 she was terminated?

11 A. She had asked me on her way out if there  
12 was any positions open and if I would look for her.

13 Q. Okay, and you guys had a conversation,  
14 telephone call about that. Correct?

15 A. We did.

16 Q. Have you actually heard the telephone call  
17 ---

18 A. --- No.

19 Q. --- That was recorded?

20 A. No.

21 Q. Are you aware that there is a recorded  
22 telephone conversation between you and Ms. Lee  
23 regarding her looking for another position?

24 A. No.

25 Q. Okay. Tell me what you remember about the



1 telephone conversation you had with Ms. Lee.

2 A. I had told her that I had reached out to  
3 the recruiter and -- Ms. Foster, and at that time,  
4 we did not have any positions available.

5 Q. Okay. Ms. Lee specifically asked you  
6 about any type of translator position for Mandarin.  
7 Correct?

8 A. I do not recall that. I apologize.

9 Q. Well, at the time that Ms. Lee was  
10 terminated, you agree that there was an open  
11 translator position for Mandarin. Correct?

12 A. I'd have to confirm what roles were open.  
13 At that time I was not aware.

14 Q. Okay, and I believe you told Ms. Lee that  
15 you spoke to Reid.

16 A. Correct.

17 Q. And who is Reid?

18 A. Reid is one of our recruiters.

19 Q. And I think you said that Reid had  
20 indicated that he had hired someone as a  
21 supplemental translator at the time.

22 Do you recall that?

23 A. Reid had told me that they had found  
24 somebody to take that position, so there wasn't  
25 going to be anything available.



1 Q. And did he tell you it was an as-needed  
2 supplemental translator?

3 A. No.

4 Q. Did you talk to Jennifer about her needs  
5 for a translator?

6 A. Jennifer came to my office and asked me  
7 about the role for Ms. Lee. And I told her that it  
8 was my understanding from my conversation with Reid  
9 that the role was already filled, so there wouldn't  
10 be a role available.

11 Q. And did you tell Ms. -- did you tell  
12 Jennifer to tell Ms. Lee that there were no  
13 positions available?

14 A. I told Jennifer that if she was trying to  
15 -- that I was told that the role was being filled,  
16 and that at that point we would not have any other  
17 roles available.

18 Q. And that was the role of translator  
19 Mandarin?

20 A. Correct.

21 Q. Okay. In the documentation that I have,  
22 it indicates that -- the question that was asked,  
23 number 13 in the interrogatories, it says please  
24 identify by job title each and every position that  
25 was open and available at the time of or within



1 three months after the plaintiff's termination.

2 And one of the positions that is listed is  
3 translator Mandarin.

4 Now, was that position filled as of the  
5 time that you had a conversation with Ms. Lee?

6 A. It was -- that role was being filled at  
7 that time.

8 Q. Who took that position?

9 A. I do not recall.

10 Q. But it wasn't Rose. Correct?

11 A. No.

12 Q. And are you aware that that position was  
13 still on Market America's website, posted on Market  
14 America's website as late as the end of October of  
15 2017?

16 A. The translation role?

17 Q. Yes.

18 A. It was just -- I was not aware that it was  
19 on the website. It was just, I had a conversation  
20 with Reid about what positions were open. And when  
21 I asked him about the translation role, he said that  
22 it was being filled. That they had already found  
23 their candidate, and that it was being filled.

24 Q. And as you sit here today, you don't know  
25 who that person is?





1 A. I do not.

2 Q. What's Reid's last name?

3 A. Nifong.

4 Q. Can you spell that?

5 A. N-i-f-o-n-g.

6 Q. Is it R-e-i-d?

7 A. R-e-I-d.

8 Q. Is he current -- you say he's a recruiter?

9 A. He is.

10 Q. For Market America?

11 A. He is.

12 Q. Does he still work for Market America?

13 A. Yes, ma'am.

14 Q. In that same role?

15 A. Yes, ma'am.

16 Q. Okay, so you're saying that if you did  
17 tell Jennifer to tell Ms. Lee that there were no  
18 other open positions, it's because of the  
19 conversation you had with Reid ---

20 A. --- That is correct.

21 Q. --- Where he informed you that the  
22 position had been filled?

23 A. He told me that it was in the process of  
24 being filled.

25 Q. And that person would now, or would have



1 at that time, who would that person have reported  
2 to?

3 A. Jennifer, Jennifer Lynn.

4 Q. The translator would have reported to  
5 Jennifer Lynn?

6 A. That is correct.

7 Q. So if Jennifer Lynn says that she never  
8 hired such an individual, would she be accurate?

9 A. I don't know.

10 Q. Okay. All right, according to the  
11 documentation that I have, there was some concern  
12 about the salary that Rose would receive as a  
13 training specialist.

14 Do you recall the concerns that were  
15 articulated about that?

16 A. I do not recall.

17 Q. According to the documentation I have,  
18 which is a series of emails between yourself and  
19 Marc Ashley, Marc Ashley was asking questions about  
20 Rose's pay. Seems that he was concerned that her  
21 pay going from 26K to 40K was a big jump.

22 Do you recall that?

23 A. I do recall.

24 Q. Tell me what you recall about it.

25 A. That he had concerns that it was such a



1 significant bump in pay at that moment in time,  
2 instead of doing like a stair step. He was just  
3 questioning the significance in the bump.

4 Q. All right. You indicated that you felt  
5 the bump was pretty much justified because of Rose's  
6 teaching background. And you felt that that was a  
7 good skill set to have in training.

8 Do you recall that?

9 A. I do.

10 Q. You would agree with me that Rose didn't  
11 have any experience in training. Correct?

12 A. In actual training prior. That is my  
13 understanding.

14 Q. And you previously testified that you did  
15 not look at her job application, and you didn't  
16 interview her. Correct?

17 A. That is correct.

18 Q. So would it be fair to say that everything  
19 you told Marc Ashley about the justification for  
20 hiring Rose to  
21 the training specialist position came from  
22 information you obtained through Liliana Camara?

23 A. That is correct.

24 Q. Who trained Rose to train -- to be a  
25 training specialist?



1 A. I believe -- I believe it was a  
2 collaboration of the entire training team.

3 Q. Which would have consisted of whom?

4 A. It would have consisted of Liliana, Henri  
5 and Abby.

6 Q. And what was Abby's last name?

7 A. Zapata.

8 Q. Is that Delia?

9 A. Sorry. Yes. Delia.

10 Q. Okay, so she also goes by the name of  
11 Abby?

12 A. She goes by Abby.

13 Q. And correct me if I'm wrong, Delia was  
14 Hispanic. Correct?

15 A. Correct.

16 Q. Liliana is Hispanic. Correct?

17 A. Correct.

18 Q. And Rose, Asian. Correct?

19 A. Correct.

20 Q. Liliana didn't speak Mandarin. Correct?

21 A. Correct.

22 Q. Delia didn't speak Mandarin. Correct?

23 A. Correct.

24 Q. And Henri did not speak Mandarin.

25 Correct?



1 A. Correct.

2 Q. Was there anyone who spoke Mandarin who  
3 assisted in the training of Rose?

4 A. No. Not that I'm aware of.

5 Q. Now, my understanding is, and you can  
6 correct me if I'm wrong, that the positions held by  
7 Henri and Delia were actually posted on Market  
8 America's website. Is that correct?

9 A. Not that I can recall.

10 Q. Okay. Did they have to apply for the  
11 positions that they had with Market America?

12 A. For their initial or for the promotion  
13 into the training department?

14 Q. Well, for the position -- according to my  
15 documentation, Henri Hue was a senior trainer.

16 Was that position ever posted?

17 A. I do not recall.

18 Q. And then, Delia, with regard to the  
19 training specialist position, was that position ever  
20 posted?

21 A. Not that I recall.

22 Q. Now, my understanding is that Liliana is  
23 no longer employed with Market America. Is that  
24 correct?

25 A. That is correct.



1 Q. And do you know why she left?

2 A. She got another position.

3 Q. And that's what she told you. Correct?

4 A. Yes.

5 Q. Liliana left Market America in  
6 approximately March of 2018. Is that right?

7 A. I do not know the exact timing.

8 Q. Well, if that's what the documents show,  
9 you don't have any reason to dispute that. Correct?

10 A. That's correct.

11 Q. When Liliana left, who took her place?

12 A. We hired Lori Galbreath.

13 Q. And what was her title?

14 A. Global training manager. I believe that's  
15 global training manager.

16 Q. All right. Now, I just want to switch  
17 gears.

18 Are you aware that at the time of Ms.  
19 Lee's employment with Market America, she was  
20 required to sign a covenant not to compete?

21 A. Can you repeat that?

22 Q. Are you aware that at the time that Ms.  
23 Lee was hired to work for Market America she was  
24 required to sign a covenant not to compete?

25 A. A noncompete, yeah. Yes, ma'am.



1 Q. And the noncompete covenant that I've  
2 reviewed extended for a period of six months after  
3 termination of employment with Market America.

4 Does that sound like your understanding?

5 A. Correct.

6 Q. And during that six-month period of time,  
7 she would not be able to directly or indirectly  
8 compete with Market America within the state of  
9 North Carolina in terms of her previous position.  
10 Correct?

11 A. Correct.

12 Q. After that six-month period of time, would  
13 Ms. Lee have been eligible to seek employment in  
14 almost the exact same role as she would have had at  
15 Market America with another employer?

16 A. With another employer? I would imagine  
17 so, yes.

18 Q. But she would have to wait the six-month  
19 period of time. Correct?

20 A. Correct.

21 Q. Do you have any evidence as you sit here  
22 today that Ms. Lee breached that agreement?

23 A. Not that I'm aware of.

24 Q. Did anyone contact you during that six-  
25 month period of time indicating that Ms. Lee was



1 seeking employment with them and they want to verify  
2 that the noncompete would not be violated if she was  
3 hired?

4 A. No, ma'am.

5 Q. Did you ever review any of the information  
6 -- and when I say review, I mean verify. Okay?

7 And this would be in your capacity as the  
8 director of HR.

9 Did you ever verify any of the information  
10 on Rose Chaffin's application for accuracy?

11 A. Me personally, no.

12 Q. Do you know if anyone in the company did?

13 A. I do not know.

14 Q. Would that have been your role?

15 A. No.

16 Q. For example, on Ms. Chaffin's application  
17 she lists her employment history, she lists her  
18 education background. She also listed some  
19 professional references.

20 And my question is would it have been your  
21 responsibility or your role as the director of HR to  
22 verify any of that?

23 A. No.

24 Q. Whose role would that have been, if  
25 anybody?





1 A. The references would have been done by the  
2 recruiters.

3 Q. And at that time, do you know who the  
4 recruiters were?

5 A. At that time, I do not know who recruited  
6 Ms. Chaffin.

7 MS. GRAY: All right. That's all I  
8 have.

9 MS. DEBOARD: Let me check my notes  
10 real quick, but I don't think I have any questions.

11 Oh, I do have one.

12 EXAMINATION

13 BY MS. DEBOARD:

14 Q. Did Rose attend Nadine Lee's training in  
15 Mandarin when she first started at Market America?

16 A. Yes.

17 MS. DEBOARD: I don't have any more  
18 questions.

19 MS. GRAY: Thank you.

20 I don't have anything to follow up.

21 WHEREUPON,

22 at 11:47 o'clock a.m. the deposition was adjourned.

23

24

25



CERTIFICATE OF TRANSCRIPT

I, *Cassandra J. Stiles*, Notary Public in and for the County of Forsyth, State of North Carolina at Large, do hereby certify that there appeared before me the foregoing witness;

That the testimony was duly recorded by me, reduced to typewriting by me or under my supervision and the foregoing consecutively numbered pages are a complete and accurate record of the testimony given at said time by said witness;

That the undersigned is not of kin nor associated with any of the parties to said cause of action, nor any counsel thereto, and that I am not interested in the event(s) thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this the 13th Day of May, 2021.

---

Cassandra J. Stiles, CVR-M  
Certified Court Reporter  
Atlantic Professional Reporters  
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CERTIFICATE OF OATH

I, *Cassandra J. Stiles*, Notary Public in and for the County of Forsyth, State of North Carolina at Large, do hereby certify that there appeared before me the foregoing witness;

That the witness personally appeared before me at the date, time and location hereon captioned and was personally sworn by me prior to the commencement of the proceeding in the matter hereon captioned.

IN WITNESS WHEREOF, I have hereunto set my hand this the 13th Day of May, 2021.

---

Cassandra J. Stiles, CVR-M  
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